Previous references.

File No. 143 of 1903-04

190

Serial Nos. 1-2

(Medical)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B. for

SUBJECT.

Fee to Mr C.S. Doraswami Iyer B.A.B.L. Advocate for conducting the prosecution of Dr Fernandez

---

No. B dated the 6th Nov: 1903 (Dr No. J 1500, Fl 907.)
From Mr A. Rangaswami Iyengar Judge Chief Court.
Reports that he selected Mr C.S. Doraswami Iyer B.A., B.L. Advocate to conduct the prosecution of Dr Fernandez, and recommends that a fee of Rs 750/- may be paid to the advocate as remuneration for the arduous work and the time he has spent on the case

12 No. Fl 1535-6 of 9th Dec: 1903
To Mr A. Rangaswami Iyengar Judge Chief Court, and the Comptroller
Sanctions the payment as fee of Rs 750/- to
Mr C.S. Doraswami Iyer B.A B.L Advocate, the amount to be met from the provision of Rs 5-000/- under "16 Law and Justice (2) Law Officers (ii) Mofussil Establishments in the current years budget

G. R. S. 58

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch (General)

Subject

Remuneration of Rs 750/ to one Mr C. S. Doraswami Iyer

Letter No B of the 6th November 903 from Mr Justice A. Rangasami Iyengar

In the above letter Mr Justice A Rangasami Iyengar reports that he had selected one Mr C. S. Doraswami Iyer. B.A B.L for conducting the prosecution in the enquiry by him into certain charges agst Dr. Fernandes and recommends the payt ~~of~~ of a fee of Rs 750/ to Mr Doraswami Iyer

Seibd with draft sanctg.

14/11/03

Perhaps the better place to make this is in the GO

14/11/03

The Dewan through the 2nd Councillor

The fee recommended is by no means excessive considering the complexity of the case and the amount of labor involved The Govt was given discretion both as to amount and as to

Page 131 of the Budget

to the provision of Rs 20,000 under "24 Mis (9) Special and unforeseen charges 6 other unforeseen charges"

Hyd
1.12.03

1/12/03

The Secretary

After drafts accg to this + submit to Dewan for sanction

2/12/3

Subd:
Hyd
3/12/03

Submitted to the Dewan with altered drafts

3/12/03

14474
3.12.03

Med 1430-1903
Serial 1

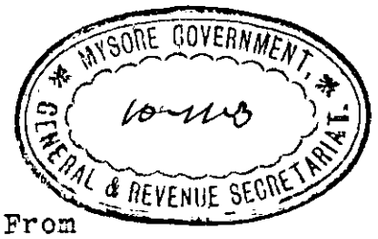
B

1500

K 907

9/2/03

Sept 7



Dated Bangalore, 6th November 1903.

From

A. Rangasami Iyengar, Esquire, B.A.,B.L.,
Judge, Chief Court of Mysore,
Bangalore.

To

H.V. Nanjundayya, Esquire, M.A.,M.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

With reference to the Proceedings of Government No.G.126-9 dated the 10th July 1903 directing that I ~~may be~~ engage such legal assistance as might be necessary for the purpose of conducting the prosecution in the enquiry into certain charges against Mr.Fernandes, and intimate for formal sanction of Government th terms as to the amount of fees to be paid to the advocate who may be engaged, I have the honour to state that Mr.C.S.Doreswami Iyer, B.A.,B.L., was selected by me to conduct the prosecution and that he appeared at all the hearings besides devoting a number of days for perusing the voluminous records as they came in batches and in selecting such as were necessary for the enquiry. The enclosed extract of paras 6 to 11 of my Report in the case will give an idea of the amount of work which devolved on him.

I beg to add that Mr.Doreswami Iyer has done his delicate and onerous work exceedingly well and I consider a fee of Rs.750 as but a moderate remuneration for

for his arduous work and the time he has spent on this case. I trust the Government will be pleased to sanction the payment of this amount to him.

I have the honour to be,

Sir,

Your most obedient servant,

Ramaswami Iyengar

Judge, Chief Court of Mysore.

C.N.

Compd.

Extract from the Report.

* * * * * *

6. The state of be records in the Civil Surgeon's office was anything but satisfactory. The Acting Civil Surgeon, Mr. C.A. Manjappa, who was for a very long time Assistant Surgeon in the Hospital, was able to send me only what was found to be an incomplete list of the Books, returns and other references available in the Hospital, and he brought to my notice in a letter dated the 31st July the existence of 150 or 200 bundles of unsorted records in the Hospital. To examine them a Medical Pupil was deputed by the Civil Surgeon, and subsequently the services of two clerks of the District Office were kindly lent by the Deputy Commissioner, Kadur District, at my request. Papers and Books from the Civil Surgeon s office were thus received in 9 batches, the last one containing the bills and other material papers found at the search referred to being received on the 27th September, i.e., during the Dasara Holidays The records of the Senior Surgeon's Office also were in a deranged condition owing to disinfection of the Office on 3 different occasions and thus a connected and complete set of references was not procurable from that Office. Books and papers were received from that Office in 6 batches. The Abstract and Detailed Contingent Bills from 1891 and the Travelling Allowance Bills of the Civil Surgeon which were required for reference could not readily be procured from the Comptroller's Office in as much as they had been removed for being destroyed and were lying unsorted among papers awaiting destruction. The Contingent Registers (Kadur District) and such of the original Bills as could be got in addition to those previously sent to the Assistant Superintendent of Police were received in 4 batches, the last batch being received on the 24th August. The Traveller's Bungalow Books required for comparison with T avelling Allowance Bills were received in 10 batches the last being on 27th October. Altogether 103 volumes of Books

101 Abstract Contingent Bills

119 Office copies of D.C. Bills

105 Fair Copies of Do.

65 Travelling Allowance Bills.

14 Extracts from Traveller's Bungalow Books.

23 Indents of Perishable Articles.

41 Nominal Roll of In-patients dieted submitted to the Senior Surgeon.

53 Monthly Peturns

28 Annual Peturns

246 official letters.

107 letters of a private nature.

334 Miscellaneous papers

or altogether about 1,339 documents were received and examined besides the Proceedings of the trial of the Writer before the Sessions Court and the records of the suit filed by Mr. Fernandes against one Mr. Staggs and a few books and returns of the Shimoga Civil Hospital which were sent for and inspected for purposes of comparison.

7. The enquiry was commenced on the 1st August and concluded on the 20th October. Mr. C.S. Dorasami Iyer, Advocate, appeared for the Government. Dr. Fernandes appeared in person and was assisted by Mr. John C.S. Lawrence, Advocate.

8. There were 17 sittings of which 13x were before the Dasara Holidays and 4 after the Holidays. The sittings were arranged so as as to suit the convenience of Dr. Fernandes' Advocate and that of the several Medical Officers employed at Chikmagalur and other Stations called as Witnesses and so as not to interefere materially with my work as Judge of the Chief Court: and to some extent they depended also upon the arrival of documents called for and the time required for their scrutiny. A copy of my journal is enclosed.

9. 11 witnesses were examined by the Advocate for Government, namely, :-

1. T.Y. Krishna Rao, late writer of the Hospital, now a convict in the Central Jail, Bangalore

2. Mr. P.S. Atchyuta Rao, Civil Surgeon, Mysore.

3. K. Narasimiengar, Head Accountant, Deputy Commissioner's Office, Kadur District.

4. P.S. Ramachendra Iyer, Hospital Assistant, Bangalore.

5. Mr. S.K. Hanumantha Rao, Sub Asst. Surgeon, Shimoga.

6. Mr. C. AppaduraiMudaliar, Assistant Surgeon, Hassan.

7. Mr. K. Anantaramiengar, Sub Asst. Surgeon, Chikmagalur.

8. P. Lakshminarayana Iyer, Hospital Asst, Hassan.

9. Mr. T.S. Nanjappa, Civil Surgeon, Bangalore.

10. Mr. C.A. Nanjappa, Offg. Civil Surgeon, Chikmagalur.

11. Habibulla Saib, late Hospital Contractor, Chikmagalur.

10. The proceedings of the Sessions Court in the trial of the late writer, were filed as an exhibit, the Advocates on both sides having agreed to accept the evidence recorded before the Sessions Judge as if it had been taken by this Court subject to the cross examination of the witnesses when required. Out of the mass of records received for inspection, the undermentioned books and documents were used for reference in the course of the enquiry. They have been arranged and marked in 31 series as shewn below.

+ + + + +

11. Copies of the depositions of witnesses as were from time to time furnished to Mr. Fernandes free of cost and he was allowed full opportunity to see the books and documents and offer his explanations. His statements were recorded by me and to save time he was given Memoranda of discrepancies noticed in his Travelling allowance bills, upon which he has himself recorded his explanations. He examined 6 witnesses, namely, :-

1. Kider Khan, Hospital Contractor, Chikmagalur.

2. B. Garuda Char, Head Accountant, Kadur District Treasury.

3. Mr. T. Bava Rao, Excise Asst. Comr, on Special duty at Bangalore.

4. Mr. V. Subramanya Iyer, Head Master, Chikmagalur High School.

5. Mr. V. P. Sadasiva Rao, Hony, Sub A st. Surgeon, Mudigere.

6. Arunagiri, Peon, Civil Hospital, Chikmagalur

and filed one paper marked No. 1 - an unsigned letter without date addressed to him by the late writer, T.Y. Krishna Rao.

Med. 143 of 1903-04
Serial 2 1903

Read Letter No B
of the 6th November
1903 from the Hon'ble Justice
Rangasami Iyengar
Judge Chief Court
of Mysore stating
with refee to Govt Prop
No G 126-9 dated the 10th
July 1903 that he
selected Mr C. S. Doreswami
Iyer B A, B L. Advocate for
conducting the prosecution
in the enquiry into
certain charges against
Dr Fernandes, and
recommending that
a fee of Rs: 750 may
be paid to the
advocate Doreswami Iyer as
remuneration for the
arduous work and
the time he has spent
on the case

1...d
19-12-03

No. H. 1535-6
01.9.12.03.
9

Order thereon

Report of H. H. the Maha-
raja are pleased
to sanction the payt to

To Mr C S Doreswamy Iyer B.A., B.L., of a fee of Rs 750/ (seven hundred and fifty only) as recommended ~~in the letter read above~~ by the Special Commissioner

2. The charge will be debited to the provision of Rs 5000/- under "16 Law and justice (2) Law Officers ii Mofussil Establishments" in the current year's budget.

Secy
14/11/03
11/11/03
22-11-03
11/11/03
6.XI.03

To,

A. Ramaswamy Iyengar Esqr B.A & B.L
Judge Chief Court of Mysore
The Comptroller to the Govt of Mysore

Note
After you please send this to the Jud. Branch for note and return
compd 9/12.